

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

Rev. DeROISE J. WASHINGTON, D.D.,)	4:07CV3125
)	
)	
Petitioner,)	
)	
v.)	MEMORANDUM
)	AND ORDER
ROBERT HOUSTON, Director, State of Nebraska Department of Correctional Services,)	
)	
)	
Respondent.)	

The court previously considered the plaintiff's Application for Leave to Proceed in Forma Pauperis ("IFP") filed while the plaintiff was a prisoner. The plaintiff has filed a notice of change of address indicating that the plaintiff has since been released from custody. A former prisoner, like the plaintiff, who is released from custody after filing a civil complaint must, when ordered to do so, file an Application for Leave to Proceed IFP based on the changed circumstances caused by release from prison. If IFP status is then granted, the plaintiff will be relieved of any remaining liability for the balance of the filing fee. Therefore, if the plaintiff wishes to pursue the above-entitled case which was filed while the plaintiff was prisoner, the plaintiff must now file a new Application for Leave to Proceed IFP as a nonprisoner. *See, e.g., McGann v. Comm'r, Social Security Admin.*, 96 F.3d 28, 30 (2d Cir. 1996) ("A released prisoner may litigate without further payment of fees upon satisfying the poverty affidavit requirement applicable to all non-prisoners.").

THEREFORE, IT IS ORDERED:

1. On or before October 26, 2007, the plaintiff shall file a new Application for Leave to Proceed IFP.

2. The Clerk of the court is directed to set a pro se case management deadline in this case using the following text: October 26, 2007: new IFP application due.

September 26, 2007

BY THE COURT:

s/Richard G. Kopf
United States District Judge